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In re Application of:
DUVERGER, THIERRY et al
Serial No. 10/551,826
Filed: Oct. 3, 2005
Docket: PSA0304231
Title: SELF-IGNITING PETROL INTERNAL
COMBUSTION ENGINE

5/15/09
DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed May 12, 2009 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed March 12, 2009 and re-mail a non-final Office action.

The petition is granted.

It is noted that the record does show that in the amendment filed with the RCE on July 29, 2008, the applicant added a new dependent claim 13. Therefore, the rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Clarke et al. (US Patent No. 5,271,229) in view of Dazzi (US Patent No. 4,467,757) was not twice rejected. The Office action of March 12, 2009 also failed to address the Rule 132 Affidavit filed by the applicant on November 4, 2008. The last Office action of March 12, 2009 is deficient.

As such, the finality of the Office action issued on March 12, 2009 is incomplete and hereby withdrawn. In finding petitioner's points of argument persuasive, the requested relief is granted. The examiner is directed to issue a new non-final Office action as soon as possible.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3744 for consideration of the applicant's Rule 132 filed on November 4, 2008 and preparation a new non-final Office action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Karen M. Young, Director
Technology Center 3700